

To: Maier, Brent[Maier.Brent@epa.gov]
From: Maier, Brent
Sent: Thur 12/3/2015 6:58:01 PM
Subject: FW: (Exide) Rep. Xavier Becerra Staff Follow Up and Questions Regarding Exide in Vernon, CA

From: Meer, Daniel
Sent: Wednesday, December 02, 2015 11:31 AM
To: Reyes, Deldi <Reyes.Deldi@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Huetteman, Tom <Huetteman.Tom@epa.gov>; Gross, Barbara <Gross.Barbara@epa.gov>
Cc: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Allen, HarryL <Allen.HarryL@epa.gov>
Subject: Fwd: (Exide) Rep. Xavier Becerra Staff Follow Up and Questions Regarding Exide in Vernon, CA

Deldi - I agree we should clarify that we are not discounting the contamination at Exide or levels in individual yards. We are just saying that the EPA removal program clean up level is considerably higher than DTSC's, so having Superfund come in, short of NPL listing, may not solve the problem.

Dan

Sent from my iPhone

Daniel Meer

Assistant Director

Superfund Division

USEPA, Region 9

Begin forwarded message:

From: "Meer, Daniel" <Meer.Daniel@epa.gov>
Date: December 2, 2015 at 1:22:35 PM EST
To: "Manzanilla, Enrique" <Manzanilla.Enrique@epa.gov>
Cc: "Lyons, John" <Lyons.John@epa.gov>, "Lindsay, Nancy" <Lindsay.Nancy@epa.gov>, "Guria, Peter" <Guria.Peter@epa.gov>, "Minor, Dustin" <Minor.Dustin@epa.gov>, "Allen, HarryL" <Allen.HarryL@epa.gov>

Subject: Re: (Exide) Rep. Xavier Becerra Staff Follow Up and Questions Regarding Exide in Vernon, CA

My take on answers:

1. Clean Up Level: What we said was that California's clean up level (80 ppm) is lower than the EPA removal residential clean up level of 400 ppm, so EPA's removal program clean up level would not meet California's standard. These are our standard PRGs that we use across the region.

We did not say that EPA could not get involved because of the contamination levels that are present. We said that the majority of the levels are not that high compared to other lead sites where we are involved.

We are relying on the State's data. The data vary widely with some high values, but DTSC is prioritizing those yards (presumably).

I think the staffer misunderstood us. DTSC has provided all of the analytical data. We would only look at their data and advise on an approach, i.e. establishing tiers like we did in Eureka.

The values are not calculated, they are measured from samples. DTSC is not extrapolating data they are using standard lab methods to derive the values.

Call if we need to discuss or I can talk to the staffer again. Dan

Sent from my iPhone

Daniel Meer

Assistant Director

Superfund Division

USEPA, Region 9

On Dec 2, 2015, at 12:22 PM, Manzanilla, Enrique <Manzanilla.Enrique@epa.gov> wrote:

Are you back tomorrow so we can discuss before responding?

Enrique Manzanilla

Director, Superfund Division

US EPA Region 9 - Pacific Southwest

(415) 972 3843

From: Maier, Brent

Sent: Wednesday, December 02, 2015 9:15 AM

To: Huetteman, Tom <Huetteman.Tom@epa.gov>; Meer, Daniel <Meer.Daniel@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Gross, Barbara <Gross.Barbara@epa.gov>

Cc: Keener, Bill <Keener.Bill@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Stollman, Scott <Stollman.Scott@epa.gov>; Hood, Timonie <Hood.Timonie@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Scott, Jeff <Scott.Jeff@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Armann, Steve <Armann.Steve@epa.gov>; LEONIDO-JOHN, STEVEN <Leonido-John.Steven@epa.gov>

Subject: (Exide) Rep. Xavier Becerra Staff Follow Up and Questions Regarding Exide in Vernon, CA

Importance: High

All –

Please see the attached message from Johanna Montiel in Congressman Xavier Becerra's office. **She has a number of follow up questions related to Exide.** Please let me know how and by what date we will be trying to get responses to her questions and I can let her know. I will send her back a quick note acknowledging receipt of her questions and letting her know I am reaching out to you for responses to her questions. If folks feel it would be

easier to have a follow up call with Johanna to discuss in more detail, let me know and I can work to set that up.

I am working flexiplace today until 2:30pm and then out the remainder of the day. If anyone wishes to reach me, you can call me on my EPA cellphone at 415.760.9170 until 2:30pm today to discuss. Thanks.

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

From: Montiel, Johanna [<mailto:Johanna.Montiel@mail.house.gov>]

Sent: Tuesday, December 01, 2015 4:47 PM

To: Maier, Brent <Maier.Brent@epa.gov>

Subject: Exide in Vernon, CA

Hi Brent,

Thank you for setting up the call between your colleagues and Mr. Becerra's office to listen to our concerns regarding the closure and clean-up of the Exide plant and residential homes in Boyle Heights/ Vernon, California. Per our conversation, Congressman Becerra already spoke to the EPA Administrator Gina McCarthy on this issue, and I believe he asked if it was possible for EPA to provide a risk assessment report and provide recommendations as to what the best steps to move forward with during this clean-up process.

Based on our conversations, this does not sound like a possibility and we appreciate that you have been working with DTSC to redirect them to other similar instances like the case in Omaha, Nebraska.

I believe it was mentioned during the call that EPA will not be able to become involved either through corrective action or superfund because the contamination of the area does not meet the 400 ppm. I was wondering how does EPA get to that number and what are the statutes regulating this? Does EPA have a breakdown of the homes contaminated and the lead levels or that information that DTSC has? You also mentioned that the contamination level at Vernon, CA was only 85 ppm, do you happen to know how this number was calculated?

Additionally, I just want to flag for you some reports stating that there is some contamination of 5,000 ppm in some homes. In cases like these, where there are homes that exceed the 400 ppm threshold, can EPA become involved and would they be able to provide any resources to DTSC?

Finally, I know we talked about the case in Reading, PA where the EPA regional office worked alongside the state agency to make sure the clean-up process was completed. <http://www3.epa.gov/reg3wcmd/ca/exide.html>. Is the main difference just that the contamination levels were at 650 ppm?

I know I have a lot of questions, but I want to make sure I have all these answers for my boss. I really appreciate all your efforts in setting up the call and answering all of our questions.

Best,

Johanna

Johanna Montiel | Legislative Correspondent

Rep. Xavier Becerra (CA-34), Chairman of the House Democratic Caucus

202-225-6235 | 202-225-2202 (F) | Johanna.Montiel@mail.house.gov

Sign up for email updates from Congressman Becerra.



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